



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3310

Introduced 2/14/2014, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.149
105 ILCS 5/10-20.36
105 ILCS 5/10-22.39
105 ILCS 145/25
210 ILCS 74/15
625 ILCS 5/6-106.1

Amends the School Code, the Care of Students with Diabetes Act, the Physical Fitness Facility Medical Emergency Preparedness Act, and the Illinois Vehicle Code. With respect to school personnel training on (i) food allergies, (ii) the use of psychotropic and psychostimulant medications, (iii) youth who are parents, expectant parents, or victims of domestic or sexual violence, (iv) educator ethics, teacher-student conduct, and school employee-student conduct, and (v) diabetes care, training is required only upon employment of a person, the renewal of a person's license, or a change to a person's job duties that would require this training; makes related changes. With respect to AED-trained public school personnel, provides that the training is required only upon employment of a person, the renewal of a person's license, or a change to a person's job duties that would require this training. With respect to a school bus driver permit, provides that the refresher course in school bus driver safety must be taken upon renewal of the permit (instead of annually). Effective July 1, 2014.

LRB098 19903 NHT 55122 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 2-3.149, 10-20.36, and 10-22.39 as follows:

6 (105 ILCS 5/2-3.149)

7 Sec. 2-3.149. Food allergy guidelines.

8 (a) Not later than July 1, 2010, the State Board of
9 Education, in conjunction with the Department of Public Health,
10 shall develop and make available to each school board
11 guidelines for the management of students with
12 life-threatening food allergies. The State Board of Education
13 and the Department of Public Health shall establish an ad hoc
14 committee to develop the guidelines. The committee shall
15 include experts in the field of food allergens, representatives
16 on behalf of students with food allergies, representatives from
17 the several public school management organizations, which
18 shall include school administrators, principals, and school
19 board members, and representatives from 2 statewide
20 professional teachers' organizations. The guidelines shall
21 include, but need not be limited to, the following:

22 (1) education and training for school personnel who
23 interact with students with life-threatening food

1 allergies, such as school and school district
2 administrators, teachers, school advisors and counselors,
3 school health personnel, and school nurses, on the
4 management of students with life-threatening food
5 allergies, including training related to the
6 administration of medication with an auto-injector; this
7 training is required only upon employment of a person, the
8 renewal of a person's license, or a change to a person's
9 job duties that would require this training;

10 (2) procedures for responding to life-threatening
11 allergic reactions to food;

12 (3) a process for the implementation of individualized
13 health care and food allergy action plans for every student
14 with a life-threatening food allergy; and

15 (4) protocols to prevent exposure to food allergens.

16 (b) Not later than January 1, 2011, each school board shall
17 implement a policy based on the guidelines developed pursuant
18 to subsection (a) of this Section for the management of
19 students with life-threatening food allergies enrolled in the
20 schools under its jurisdiction. Nothing in this subsection (b)
21 is intended to invalidate school district policies that were
22 implemented before the development of guidelines pursuant to
23 subsection (a) of this Section as long as such policies are
24 consistent with the guidelines developed pursuant to
25 subsection (a) of this Section.

26 (Source: P.A. 96-349, eff. 8-13-09; 96-1000, eff. 7-2-10.)

1 (105 ILCS 5/10-20.36)

2 Sec. 10-20.36. Psychotropic or psychostimulant medication;
3 disciplinary action.

4 (a) In this Section:

5 "Psychostimulant medication" means medication that
6 produces increased levels of mental and physical energy and
7 alertness and an elevated mood by stimulating the central
8 nervous system.

9 "Psychotropic medication" means psychotropic medication as
10 defined in Section 1-121.1 of the Mental Health and
11 Developmental Disabilities Code.

12 (b) Each school board must adopt and implement a policy
13 that prohibits any disciplinary action that is based totally or
14 in part on the refusal of a student's parent or guardian to
15 administer or consent to the administration of psychotropic or
16 psychostimulant medication to the student.

17 The policy must require that, ~~at least once every 2 years,~~
18 the in-service training of certified school personnel and
19 administrators include training on current best practices
20 regarding the identification and treatment of attention
21 deficit disorder and attention deficit hyperactivity disorder,
22 the application of non-aversive behavioral interventions in
23 the school environment, and the use of psychotropic or
24 psychostimulant medication for school-age children. This
25 training is required only upon employment of a person, the

1 renewal of a person's license, or a change to a person's job
2 duties that would require this training.

3 (c) This Section does not prohibit school medical staff, an
4 individualized educational program team, or a professional
5 worker (as defined in Section 14-1.10 of this Code) from
6 recommending that a student be evaluated by an appropriate
7 medical practitioner or prohibit school personnel from
8 consulting with the practitioner with the consent of the
9 student's parents or guardian.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (105 ILCS 5/10-22.39)

12 Sec. 10-22.39. In-service training programs.

13 (a) To conduct in-service training programs for teachers.

14 (b) In addition to other topics at in-service training
15 programs, school guidance counselors, teachers, school social
16 workers, and other school personnel who work with pupils in
17 grades 7 through 12 shall be trained to identify the warning
18 signs of mental illness and suicidal behavior in adolescents
19 and teens and shall be taught appropriate intervention and
20 referral techniques.

21 (c) School guidance counselors, nurses, teachers and other
22 school personnel who work with pupils may be trained to have a
23 basic knowledge of matters relating to acquired
24 immunodeficiency syndrome (AIDS), including the nature of the
25 disease, its causes and effects, the means of detecting it and

1 preventing its transmission, and the availability of
2 appropriate sources of counseling and referral, and any other
3 information that may be appropriate considering the age and
4 grade level of such pupils. The School Board shall supervise
5 such training. The State Board of Education and the Department
6 of Public Health shall jointly develop standards for such
7 training.

8 (d) In this subsection (d):

9 "Domestic violence" means abuse by a family or household
10 member, as "abuse" and "family or household members" are
11 defined in Section 103 of the Illinois Domestic Violence Act of
12 1986.

13 "Sexual violence" means sexual assault, abuse, or stalking
14 of an adult or minor child proscribed in the Criminal Code of
15 1961 or the Criminal Code of 2012 in Sections 11-1.20, 11-1.30,
16 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5, 12-12,
17 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual
18 violence committed by perpetrators who are strangers to the
19 victim and sexual violence committed by perpetrators who are
20 known or related by blood or marriage to the victim.

21 An ~~At least once every 2 years, an~~ in-service training
22 program for school personnel who work with pupils, including,
23 but not limited to, school and school district administrators,
24 teachers, school guidance counselors, school social workers,
25 school counselors, school psychologists, and school nurses,
26 must be conducted by persons with expertise in domestic and

1 sexual violence and the needs of expectant and parenting youth
2 and shall include training concerning (i) communicating with
3 and listening to youth victims of domestic or sexual violence
4 and expectant and parenting youth, (ii) connecting youth
5 victims of domestic or sexual violence and expectant and
6 parenting youth to appropriate in-school services and other
7 agencies, programs, and services as needed, and (iii)
8 implementing the school district's policies, procedures, and
9 protocols with regard to such youth, including
10 confidentiality. At a minimum, school personnel must be trained
11 to understand, provide information and referrals, and address
12 issues pertaining to youth who are parents, expectant parents,
13 or victims of domestic or sexual violence. This training is
14 required only upon employment of a person, the renewal of a
15 person's license, or a change to a person's job duties that
16 would require this training.

17 (e) An ~~At least every 2 years, an~~ in-service training
18 program for school personnel who work with pupils must be
19 conducted by persons with expertise in anaphylactic reactions
20 and management. This training is required only upon employment
21 of a person, the renewal of a person's license, or a change to
22 a person's job duties that would require this training.

23 (f) A ~~At least once every 2 years, a~~ school board shall
24 conduct in-service training on educator ethics,
25 teacher-student conduct, and school employee-student conduct
26 for all personnel. This training is required only upon

1 employment of a person, the renewal of a person's license, or a
2 change to a person's job duties that would require this
3 training.

4 (Source: P.A. 97-1150, eff. 1-25-13; 98-471, eff. 1-1-14.)

5 Section 10. The Care of Students with Diabetes Act is
6 amended by changing Section 25 as follows:

7 (105 ILCS 145/25)

8 Sec. 25. Training for school employees and delegated care
9 aides.

10 (a) In schools that have a student with diabetes, all
11 school employees shall receive training in the basics of
12 diabetes care, how to identify when a student with diabetes
13 needs immediate or emergency medical attention, and whom to
14 contact in the case of an emergency during regular inservice
15 training under Section 3-11 of the School Code. This training
16 is required only upon employment of a person, the renewal of a
17 person's license, or a change to a person's job duties that
18 would require this training.

19 (b) Delegated care aides shall be trained to perform the
20 tasks necessary to assist a student with diabetes in accordance
21 with his or her diabetes care plan, including training to do
22 the following:

23 (1) check blood glucose and record results;

24 (2) recognize and respond to the symptoms of

1 hypoglycemia according to the diabetes care plan;

2 (3) recognize and respond to the symptoms of
3 hyperglycemia according to the diabetes care plan;

4 (4) estimate the number of carbohydrates in a snack or
5 lunch;

6 (5) administer insulin according to the student's
7 diabetes care plan and keep a record of the amount
8 administered; and

9 (6) respond in an emergency, including how to
10 administer glucagon and call 911.

11 (c) The school district shall coordinate staff training.

12 (d) Initial training of a delegated care aide shall be
13 provided by a licensed healthcare provider with expertise in
14 diabetes or a certified diabetic educator and individualized by
15 a student's parent or guardian. Training must be consistent
16 with the guidelines provided by the U.S. Department of Health
17 and Human Services in the guide for school personnel entitled
18 "Helping the Student with Diabetes Succeed". Further training
19 is required only upon the renewal of a person's license. ~~The~~
20 ~~training shall be updated when the diabetes care plan is~~
21 ~~changed and at least annually.~~

22 (e) School nurses, where available, or health care
23 providers may provide technical assistance or consultation or
24 both to delegated care aides.

25 (f) An information sheet shall be provided to any school
26 employee who transports a student for school-sponsored

1 activities. It shall identify the student with diabetes,
2 identify potential emergencies that may occur as a result of
3 the student's diabetes and the appropriate responses to such
4 emergencies, and provide emergency contact information.

5 (Source: P.A. 96-1485, eff. 12-1-10; 97-559, eff. 8-25-11.)

6 Section 15. The Physical Fitness Facility Medical
7 Emergency Preparedness Act is amended by changing Section 15 as
8 follows:

9 (210 ILCS 74/15)

10 Sec. 15. Automated external defibrillator required.

11 (a) By the dates specified in Section 50, every physical
12 fitness facility must have at least one AED on the facility
13 premises. The Department shall adopt rules to ensure
14 coordination with local emergency medical services systems
15 regarding the placement and use of AEDs in physical fitness
16 facilities. The Department may adopt rules requiring a facility
17 to have more than one AED on the premises, based on factors
18 that include the following:

19 (1) The size of the area or the number of buildings or
20 floors occupied by the facility.

21 (2) The number of persons using the facility, excluding
22 spectators.

23 (b) A physical fitness facility must ensure that there is a
24 trained AED user on staff during staffed business hours. For

1 purposes of this Act, "trained AED user" has the meaning
2 ascribed to that term in Section 10 of the Automated External
3 Defibrillator Act. With respect to AED-trained public school
4 personnel, AED training is required only upon employment of a
5 person, the renewal of a person's license, or a change to a
6 person's job duties that would require this training.

7 (b-5) The Department shall adopt rules that encourage any
8 non-employee coach, non-employee instructor, or other
9 similarly situated non-employee anticipated rescuer who uses a
10 physical fitness facility in conjunction with the supervision
11 of physical fitness activities to complete a course of
12 instruction that would qualify such a person as a trained AED
13 user, as defined in Section 10 of the Automated External
14 Defibrillator Act.

15 (b-10) In the case of an outdoor physical fitness facility,
16 the AED must be housed in a building, if any, that is within
17 300 feet of the outdoor facility where an event or activity is
18 being conducted. If there is such a building within the
19 required distance, the building must provide unimpeded and open
20 access to the housed AED, and the building's entrances shall
21 further provide marked directions to the housed AED.

22 (b-15) Facilities described in paragraph (1.5) of Section
23 5.25 must have an AED on site as well as a trained AED user
24 available only during activities or events sponsored and
25 conducted or supervised by a person or persons employed by the
26 unit of local government, school, college, or university. With

1 respect to AED-trained public school personnel, AED training is
2 required only upon employment of a person, the renewal of a
3 person's license, or a change to a person's job duties that
4 would require this training.

5 (c) Every physical fitness facility must ensure that every
6 AED on the facility's premises is properly tested and
7 maintained in accordance with rules adopted by the Department.

8 (Source: P.A. 95-712, eff. 1-1-09; 96-748, eff. 1-1-10; 96-873,
9 eff. 1-21-10; 96-1268, eff. 1-1-11.)

10 Section 20. The Illinois Vehicle Code is amended by
11 changing Section 6-106.1 as follows:

12 (625 ILCS 5/6-106.1)

13 Sec. 6-106.1. School bus driver permit.

14 (a) The Secretary of State shall issue a school bus driver
15 permit to those applicants who have met all the requirements of
16 the application and screening process under this Section to
17 insure the welfare and safety of children who are transported
18 on school buses throughout the State of Illinois. Applicants
19 shall obtain the proper application required by the Secretary
20 of State from their prospective or current employer and submit
21 the completed application to the prospective or current
22 employer along with the necessary fingerprint submission as
23 required by the Department of State Police to conduct
24 fingerprint based criminal background checks on current and

1 future information available in the state system and current
2 information available through the Federal Bureau of
3 Investigation's system. Applicants who have completed the
4 fingerprinting requirements shall not be subjected to the
5 fingerprinting process when applying for subsequent permits or
6 submitting proof of successful completion of the annual
7 refresher course. Individuals who on the effective date of this
8 Act possess a valid school bus driver permit that has been
9 previously issued by the appropriate Regional School
10 Superintendent are not subject to the fingerprinting
11 provisions of this Section as long as the permit remains valid
12 and does not lapse. The applicant shall be required to pay all
13 related application and fingerprinting fees as established by
14 rule including, but not limited to, the amounts established by
15 the Department of State Police and the Federal Bureau of
16 Investigation to process fingerprint based criminal background
17 investigations. All fees paid for fingerprint processing
18 services under this Section shall be deposited into the State
19 Police Services Fund for the cost incurred in processing the
20 fingerprint based criminal background investigations. All
21 other fees paid under this Section shall be deposited into the
22 Road Fund for the purpose of defraying the costs of the
23 Secretary of State in administering this Section. All
24 applicants must:

- 25 1. be 21 years of age or older;
- 26 2. possess a valid and properly classified driver's

1 license issued by the Secretary of State;

2 3. possess a valid driver's license, which has not been
3 revoked, suspended, or canceled for 3 years immediately
4 prior to the date of application, or have not had his or
5 her commercial motor vehicle driving privileges
6 disqualified within the 3 years immediately prior to the
7 date of application;

8 4. successfully pass a written test, administered by
9 the Secretary of State, on school bus operation, school bus
10 safety, and special traffic laws relating to school buses
11 and submit to a review of the applicant's driving habits by
12 the Secretary of State at the time the written test is
13 given;

14 5. demonstrate ability to exercise reasonable care in
15 the operation of school buses in accordance with rules
16 promulgated by the Secretary of State;

17 6. demonstrate physical fitness to operate school
18 buses by submitting the results of a medical examination,
19 including tests for drug use for each applicant not subject
20 to such testing pursuant to federal law, conducted by a
21 licensed physician, an advanced practice nurse who has a
22 written collaborative agreement with a collaborating
23 physician which authorizes him or her to perform medical
24 examinations, or a physician assistant who has been
25 delegated the performance of medical examinations by his or
26 her supervising physician within 90 days of the date of

1 application according to standards promulgated by the
2 Secretary of State;

3 7. affirm under penalties of perjury that he or she has
4 not made a false statement or knowingly concealed a
5 material fact in any application for permit;

6 8. have completed an initial classroom course,
7 including first aid procedures, in school bus driver safety
8 as promulgated by the Secretary of State; and after
9 satisfactory completion of said initial course, a ~~an annual~~
10 refresher course to be taken upon renewal of the permit;
11 such courses and the agency or organization conducting such
12 courses shall be approved by the Secretary of State;
13 failure to complete the ~~annual~~ refresher course, shall
14 result in cancellation of the permit until such course is
15 completed;

16 9. not have been under an order of court supervision
17 for or convicted of 2 or more serious traffic offenses, as
18 defined by rule, within one year prior to the date of
19 application that may endanger the life or safety of any of
20 the driver's passengers within the duration of the permit
21 period;

22 10. not have been under an order of court supervision
23 for or convicted of reckless driving, aggravated reckless
24 driving, driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or
26 any combination thereof, or reckless homicide resulting

1 from the operation of a motor vehicle within 3 years of the
2 date of application;

3 11. not have been convicted of committing or attempting
4 to commit any one or more of the following offenses: (i)
5 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
6 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
7 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
8 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
9 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
10 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
11 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
12 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
13 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
14 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
15 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
16 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
17 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
18 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
19 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
20 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
21 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
22 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
23 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and
24 in subsection (a) and subsection (b), clause (1), of
25 Section 12-4, and in subsection (A), clauses (a) and (b),
26 of Section 24-3, and those offenses contained in Article

1 29D of the Criminal Code of 1961 or the Criminal Code of
2 2012; (ii) those offenses defined in the Cannabis Control
3 Act except those offenses defined in subsections (a) and
4 (b) of Section 4, and subsection (a) of Section 5 of the
5 Cannabis Control Act; (iii) those offenses defined in the
6 Illinois Controlled Substances Act; (iv) those offenses
7 defined in the Methamphetamine Control and Community
8 Protection Act; (v) any offense committed or attempted in
9 any other state or against the laws of the United States,
10 which if committed or attempted in this State would be
11 punishable as one or more of the foregoing offenses; (vi)
12 the offenses defined in Section 4.1 and 5.1 of the Wrongs
13 to Children Act or Section 11-9.1A of the Criminal Code of
14 1961 or the Criminal Code of 2012; (vii) those offenses
15 defined in Section 6-16 of the Liquor Control Act of 1934;
16 and (viii) those offenses defined in the Methamphetamine
17 Precursor Control Act;

18 12. not have been repeatedly involved as a driver in
19 motor vehicle collisions or been repeatedly convicted of
20 offenses against laws and ordinances regulating the
21 movement of traffic, to a degree which indicates lack of
22 ability to exercise ordinary and reasonable care in the
23 safe operation of a motor vehicle or disrespect for the
24 traffic laws and the safety of other persons upon the
25 highway;

26 13. not have, through the unlawful operation of a motor

1 vehicle, caused an accident resulting in the death of any
2 person;

3 14. not have, within the last 5 years, been adjudged to
4 be afflicted with or suffering from any mental disability
5 or disease; and

6 15. consent, in writing, to the release of results of
7 reasonable suspicion drug and alcohol testing under
8 Section 6-106.1c of this Code by the employer of the
9 applicant to the Secretary of State.

10 (b) A school bus driver permit shall be valid for a period
11 specified by the Secretary of State as set forth by rule. It
12 shall be renewable upon compliance with subsection (a) of this
13 Section.

14 (c) A school bus driver permit shall contain the holder's
15 driver's license number, legal name, residence address, zip
16 code, and date of birth, a brief description of the holder and
17 a space for signature. The Secretary of State may require a
18 suitable photograph of the holder.

19 (d) The employer shall be responsible for conducting a
20 pre-employment interview with prospective school bus driver
21 candidates, distributing school bus driver applications and
22 medical forms to be completed by the applicant, and submitting
23 the applicant's fingerprint cards to the Department of State
24 Police that are required for the criminal background
25 investigations. The employer shall certify in writing to the
26 Secretary of State that all pre-employment conditions have been

1 successfully completed including the successful completion of
2 an Illinois specific criminal background investigation through
3 the Department of State Police and the submission of necessary
4 fingerprints to the Federal Bureau of Investigation for
5 criminal history information available through the Federal
6 Bureau of Investigation system. The applicant shall present the
7 certification to the Secretary of State at the time of
8 submitting the school bus driver permit application.

9 (e) Permits shall initially be provisional upon receiving
10 certification from the employer that all pre-employment
11 conditions have been successfully completed, and upon
12 successful completion of all training and examination
13 requirements for the classification of the vehicle to be
14 operated, the Secretary of State shall provisionally issue a
15 School Bus Driver Permit. The permit shall remain in a
16 provisional status pending the completion of the Federal Bureau
17 of Investigation's criminal background investigation based
18 upon fingerprinting specimens submitted to the Federal Bureau
19 of Investigation by the Department of State Police. The Federal
20 Bureau of Investigation shall report the findings directly to
21 the Secretary of State. The Secretary of State shall remove the
22 bus driver permit from provisional status upon the applicant's
23 successful completion of the Federal Bureau of Investigation's
24 criminal background investigation.

25 (f) A school bus driver permit holder shall notify the
26 employer and the Secretary of State if he or she is issued an

1 order of court supervision for or convicted in another state of
2 an offense that would make him or her ineligible for a permit
3 under subsection (a) of this Section. The written notification
4 shall be made within 5 days of the entry of the order of court
5 supervision or conviction. Failure of the permit holder to
6 provide the notification is punishable as a petty offense for a
7 first violation and a Class B misdemeanor for a second or
8 subsequent violation.

9 (g) Cancellation; suspension; notice and procedure.

10 (1) The Secretary of State shall cancel a school bus
11 driver permit of an applicant whose criminal background
12 investigation discloses that he or she is not in compliance
13 with the provisions of subsection (a) of this Section.

14 (2) The Secretary of State shall cancel a school bus
15 driver permit when he or she receives notice that the
16 permit holder fails to comply with any provision of this
17 Section or any rule promulgated for the administration of
18 this Section.

19 (3) The Secretary of State shall cancel a school bus
20 driver permit if the permit holder's restricted commercial
21 or commercial driving privileges are withdrawn or
22 otherwise invalidated.

23 (4) The Secretary of State may not issue a school bus
24 driver permit for a period of 3 years to an applicant who
25 fails to obtain a negative result on a drug test as
26 required in item 6 of subsection (a) of this Section or

1 under federal law.

2 (5) The Secretary of State shall forthwith suspend a
3 school bus driver permit for a period of 3 years upon
4 receiving notice that the holder has failed to obtain a
5 negative result on a drug test as required in item 6 of
6 subsection (a) of this Section or under federal law.

7 (6) The Secretary of State shall suspend a school bus
8 driver permit for a period of 3 years upon receiving notice
9 from the employer that the holder failed to perform the
10 inspection procedure set forth in subsection (a) or (b) of
11 Section 12-816 of this Code.

12 (7) The Secretary of State shall suspend a school bus
13 driver permit for a period of 3 years upon receiving notice
14 from the employer that the holder refused to submit to an
15 alcohol or drug test as required by Section 6-106.1c or has
16 submitted to a test required by that Section which
17 disclosed an alcohol concentration of more than 0.00 or
18 disclosed a positive result on a National Institute on Drug
19 Abuse five-drug panel, utilizing federal standards set
20 forth in 49 CFR 40.87.

21 The Secretary of State shall notify the State
22 Superintendent of Education and the permit holder's
23 prospective or current employer that the applicant has (1) has
24 failed a criminal background investigation or (2) is no longer
25 eligible for a school bus driver permit; and of the related
26 cancellation of the applicant's provisional school bus driver

1 permit. The cancellation shall remain in effect pending the
2 outcome of a hearing pursuant to Section 2-118 of this Code.
3 The scope of the hearing shall be limited to the issuance
4 criteria contained in subsection (a) of this Section. A
5 petition requesting a hearing shall be submitted to the
6 Secretary of State and shall contain the reason the individual
7 feels he or she is entitled to a school bus driver permit. The
8 permit holder's employer shall notify in writing to the
9 Secretary of State that the employer has certified the removal
10 of the offending school bus driver from service prior to the
11 start of that school bus driver's next workshift. An employing
12 school board that fails to remove the offending school bus
13 driver from service is subject to the penalties defined in
14 Section 3-14.23 of the School Code. A school bus contractor who
15 violates a provision of this Section is subject to the
16 penalties defined in Section 6-106.11.

17 All valid school bus driver permits issued under this
18 Section prior to January 1, 1995, shall remain effective until
19 their expiration date unless otherwise invalidated.

20 (h) When a school bus driver permit holder who is a service
21 member is called to active duty, the employer of the permit
22 holder shall notify the Secretary of State, within 30 days of
23 notification from the permit holder, that the permit holder has
24 been called to active duty. Upon notification pursuant to this
25 subsection, (i) the Secretary of State shall characterize the
26 permit as inactive until a permit holder renews the permit as

1 provided in subsection (i) of this Section, and (ii) if a
2 permit holder fails to comply with the requirements of this
3 Section while called to active duty, the Secretary of State
4 shall not characterize the permit as invalid.

5 (i) A school bus driver permit holder who is a service
6 member returning from active duty must, within 90 days, renew a
7 permit characterized as inactive pursuant to subsection (h) of
8 this Section by complying with the renewal requirements of
9 subsection (b) of this Section.

10 (j) For purposes of subsections (h) and (i) of this
11 Section:

12 "Active duty" means active duty pursuant to an executive
13 order of the President of the United States, an act of the
14 Congress of the United States, or an order of the Governor.

15 "Service member" means a member of the Armed Services or
16 reserve forces of the United States or a member of the Illinois
17 National Guard.

18 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
19 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
20 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
21 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
22 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
23 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
24 eff. 1-25-13.)

25 Section 99. Effective date. This Act takes effect July 1,
26 2014.